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**Changes to legislation:** *Countryside and Rights of Way Act 2000, Paragraph 1 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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## SCHEDULES

### SCHEDULE 5

#### DEFINITIVE MAPS AND STATEMENTS AND RESTRICTED BYWAYS

##### PART I

###### AMENDMENTS OF PART III OF WILDLIFE AND COUNTRYSIDE ACT 1981

- 1 (1) Section 53 of the 1981 Act is amended as follows.
- (2) In subsection (1) (meaning of “definitive map and statement”) after “subject to section 57(3)” there is inserted “ and 57A(1) ”.
- (3) In subsection (3)(a)(iii), after “public path” there is inserted “ or a restricted byway ”.
- (4) In subsection (3)(c)(i) for “a right of way to which this Part applies” there is substituted “ a right of way such that the land over which the right subsists is a public path or, subject to section 54A, a byway open to all traffic ”.
- (5) In subsection (4), after “public path” there is inserted “ , restricted byway ”.
- (6) After subsection (4) there is inserted—
- “(4A) Subsection (4B) applies to evidence which, when considered with all other relevant evidence available to the surveying authority, shows as respects a way shown in a definitive map and statement as a restricted byway that the public have, and had immediately before the commencement of section 47 of the Countryside and Rights of Way Act 2000, a right of way for vehicular and all other kinds of traffic over that way.
- (4B) For the purposes of subsection (3)(c)(ii), such evidence is evidence which, when so considered, shows that the way concerned ought, subject to section 54A, to be shown in the definitive map and statement as a byway open to all traffic.”
- (7) After subsection (5) there is inserted—
- “(5A) Evidence to which subsection (4B) applies on the commencement of section 47 of the Countryside and Rights of Way Act 2000 shall for the purposes of subsection (5) and any application made under it be treated as not having been discovered by the surveying authority before the commencement of that section.”

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#### Commencement Information

- I1** Sch. 5 para. 1 in force at 2.5.2006 for E. by S.I. 2006/1172, art. 2(g)(i)  
**I2** Sch. 5 para. 1 in force at 11.5.2006 for W. by S.I. 2006/1279, art. 2(f)(i)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Blanket amendment words substituted by [S.I. 2011/1043 art. 34](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 15(1)(e) and word inserted by [2023 asc 3 Sch. 13 para. 179](#)
- s. 55A inserted by [2015 c. 20 s. 20](#)
- s. 56A inserted by [2015 c. 20 s. 21](#)
- s. 56B inserted by [2015 c. 20 s. 22\(1\)](#)